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Response to Arguments

Applicant's arguments filed March 28, 2011 have been fully considered but they are not persuasive. Applicant argues "neither JP 59-163128 nor Sato recognizes the importance of adding DHNA under reduced oxygen via nitrogen addition." however, there is nothing in the present claims which set forth this limitation. The present claims require reducing the level of oxygen dissolved in a solution containing DHNA, by substituting the oxygen with an inert gas, and further conducting a heat treatment on the solution. As such, JP 59-163128 discloses a method wherein an inert gas is bubbled through a liquid food product such as milk to prevent oxidation. The inert gas reduces the amount of dissolved oxygen in the product and the product is subjected to high temperature sterilization and packed and sealed in a bacteria free atmosphere which keeps the oxygen dissolved in the beverage reduced (Entire document, oral translation relied upon). JP 59-163128 is silent DHNA being a component of the milk product which is the reason for applying the reference in combination with Sato which discloses a process for producing a milk beverage wherein DHNA is added to the beverage. Sato teaches that DHNA "exhibits the effects of alleviating abdominal ailments which occur upon ingestion of milk" (col. 5, line 24). Therefore, given that 1, 4-dihydroxy-2-naphthoic acid is known to alleviate abdominal ailments associated with milk, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate it into the milk beverage of JP 59-163128. Thus, given that the process of JP 59-163128 dissolves an inert gas in the beverage product, the DHNA would have naturally been stabilized.

Applicant also argues on page 3 that JP 59-163128 does not recognize the stabilization of DHNA. However, as previous mentioned, it is acknowledged that JP 59-163128 is silent

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regarding DHNA. Given that JP 59-163128 teaches an inert gas reduces the amount of dissolved oxygen in the product and Sato teaches that DHNA "exhibits the effects of alleviating abdominal ailments which occur upon ingestion of milk", thereby motivating one of ordinary skill in the art to incorporate DHNA into the milk product/process of JP 59-163128, therefore, the process of JP 59-163128 which dissolves an inert gas in the beverage product, would naturally stabilize the DHNA.

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